



00071

Sheet No. 58.

4TH DAY'S PROCEEDINGS.

The Court re-assembled at 1400 hours = 21st April, 1947.

PROSECUTOR: If the Court will permit, I will call two Witnesses and examine them in chief and then we can take them to SAI WAN, that is if my learned friend agrees. He can crossexamine the Witnesses there.

COURT to DEFENCE COUNSEL: Have you any objections?

DEFENCE COUNSEL: I think that is alright.

PROSECUTOR: These Witnesses are concerned with a different episode other than SAI WAN Hill.

RCC

Assistant Interpreter, NAGOSHI Saburo is duly affirmed.

PROSECUTOR: I wish to call CHAN YAM KWONG.

5TH WITNESS FOR PROSECUTION - CHAN YAM KWONG.

EXAMINATION IN CHIEF - Major G.B. PUDDICOMBE.

The Witness, CHAN YAM KWONG, is duly sworn and ~~gives the following evidence:~~ *questioned by the Prosecutor*

Q: Will you tell the Court your full name?
A: CHAN YAM KWONG.

Q: I understand that you are a Merchant. You live at 76 Tak Ku Ling Road, Kow Loon, you are 26 years of age, of British Nationality, born in the City of Victoria, British Columbia, Canada?
A: That is right.

Q: You are at present living at 76 Tau Ku Ling Road, Kow Loon?
A: Yes.

Q: I also understand that you were a member of the Hong Kong Volunteer Defence Corps in 1941. Will you tell the Court what happened to you on or about the 18th or 19th December, 1941?
A: Mr. President, on the 18th and 19th December, 1941, I was posted at LYE MUN Fort, 5th A.A.

Q: What was your rank?
A: Private.

Q: Will you carry on?
A: At about 8 o'clock at night Japanese forces attacked LYE MUN Fort, and a hand grenade was thrown by Japanese into our dug out.

Q: Before we go any further, will you look at this picture Exhibit 'L' and tell the Court who the figure is on the foreground and where it was taken?
A: Yes it was the same place.

Q: What place is it?

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Sheet No. ⁵⁹.

WITNESS FOR PROSECUTION - CHAN YAM KWONG.

NATION IN CHIEF (contd.)- Major G.B. PUDDICOMBE.

A: This is LYE MUN Fort, 5th A.A.

Q: Who is standing in front of the picture?

A: That is myself.

Q: Where was the hand grenade thrown?

A: It was thrown in the dug out which is not shown in this picture.

Q: What happened then?

A: Then a Lieutenant of our Unit asked us to counter attack, so we all rushed out and we found that it was quite impossible and suddenly we heard some Japanese voices in broken English saying 'Surrender, save you, Surrender, save you', so we did surrender.

Q: How many surrendered?

A: Twenty nine.

Q: Then?

A: We were all put into a pill box, a magazine.

Q: Can you show where that pill box is on the picture?

A: This one.

The Witness marks the pill box with a X.

The Court notices that the pill box marked with a X is the left hand side of the two appearing in the background of the picture.

Q: You were all put into that pill box and then what happened?

A: The Japanese soldiers counted us and looted all our valuables and then I saw he was holding a pencil and taking down notes simply about the number of men in the magazine, and these notes were taken down and after about three hours an Officer with boots and a long sword came out and some word was spoken in Japanese to all the Guards, and then a semi-circle was formed in front of the magazine.

Q: Can you indicate that place on the picture?

A: At the same place.

Q: I understand the semi ~~circle~~ circle was formed somewhere directly in front of what you call a dug out?

A: That is what I referred to as the pill box, magazine. In front of the place where I marked X.

Q: Now how was that semi circle formed?

A: Suppose the door is closed in this way, there were about seven sentries. (The Witness demonstrates). Then this Officer spoke something and then the sentry asked us to go out and he said you are released, you better come out, so the first one came out and he found himself bayoneted and so on until all of us got bayoneted.

Q: What happened to you when you were bayoneted?

A: The sentry was standing at the side and bayoneted me through this way, so he got hold of my coat and so the point stuck in my hand, so here is the bayonet wound.

The Court notices that the wound is on the right hand

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5TH WITNESS FOR PROSECUTION - CHAN YAM KWONG.

EXAMINATION IN CHIEF (Contd) - Major G.B. PUDDICOMBE.

at the top of the wrist, on the base of the palm.

Q: Did it cut your abdomen?

A: Just scratched it.

Q: Well now what was the result of the wound, the immediate result?

A: Blood was oozing out from the wrist.

Q: And what happened then?

A: All the blood squirted on top of my shirt, so the Japanese took for granted that I was killed, and then they threw me into a place, this place on the picture. This is the road here, I got bayoneted here, fell down here and afterwards he threw me into this place which is about 10 feet, threw me over the wall.

Q: Was it a pit?

A: Just ground with grass.

The Witness marks the point where he was thrown down after he had been bayoneted with a O.

Q: Tell us what happened after that?

A: We were left there.

Q: When you say 'We' whom do you mean?

A: I mean the 29 persons.

Q: Do I understand that all twentynine were treated the same way?

A: Yes all treated the same way.

Q: What happened to you then eventually?

A: I was thrown over the wall and there were my other comrades down there. I do not think they were killed instantly, they were all suffering from heavy wounds and calling for water, some for Mother and some for God. Instead of showing any help the Japanese threw stones and one sentry even fired a shot into that pit.

Q: How long did you remain there?

A: For three days and three nights, I escaped on the 4th day.

Q: And what happened to the other men that were thrown with you in those three days and three nights?

A: Both of them passed away on the 1st night, and about three or four were still suffering from wounds on the second day and on the fourth day when I escaped I found my friend escaping with me.

Q: Who was that friend?

A: Bombadier Martin CHI.

Q: Where is he now?

A: I think he is outside.

No further questions.

COURT: The Witness can stand down for the time being and

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Sheet No. 61.

will be recalled for cross-examination after we have been out to SAI WAN
acc

I wish to call Mr. Martin TSO HIM CHI.

6TH WITNESS FOR PROSECUTION - Mr. Martin TSO HIM CHI.

EXAMINATION IN CHIEF - Major G.B. PUDDICOMBE.

The Witness, Mr. Martin TSO HIM CHI, is duly sworn and gives the following evidence: *questioned by the Prosecution*
acc

- Q: I understand your full name is Martin TSO HIM CHI?
A: Yes.
- Q: You are employed by the Bank of Communications, Canton?
A: Yes.
- Q: You live at the Bank of Communications Hostel, Canton?
A: Yes.
- Q: You are 30 years of age, of British nationality and born in Hong Kong?
A: Yes.
- Q: Your permanent home is 40 Wyndham Street, 1st floor, Hong Kong?
A: Yes.
- Q: I also understand that when the Japanese attacked Hong Kong in 1941, you were a member of the 5th A.A. Battery, H.K.V.D.C.?
A: Yes.
- Q: Will you tell the Court what happened?
A: I was stationed there all the time.
- Q: Stationed where?
A: In SAI WAN when the war started.
On the 18th December, 1941, on that night at about 10 o'clock we were all hiding in a tunnel because the enemy were attacking from Kow Loon side. Suddenly we heard a few shots from the side and afterwards a hand grenade was thrown in from the door. Three of us were wounded by that time.
- Q: Now will you look at this *photograph* Exhibit 'L' and tell the Court where that is?
A: We were stationed in the tunnel here.
A copy of exhibit L is handed to the witness acc
The Witness indicates that there was a tunnel not shown in the photograph, but off to the left hand edge of the photograph.
- Q: About how far would it be?
A: About ten to fifteen feet.
- Q: A hand grenade was thrown in and then what happened?
A: Afterwards we heard some voices in English and they told us to 'Surrender' and they said 'Surrender and save' in English, and so Sgt. BENNET told us to fix our bayonets and try to force our way out of the tunnel, so we followed him and tried to get out from that way to force our way down to the hill, but when some of us got out that way we ~~had~~ heard several shots from the opposite side and three of them were killed and the rest I do not know what happened to them.

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6TH WITNESS FOR PROSECUTION - Mr. Martin TSO HIM CHI.

EXAMINATION IN CHIEF (contd).- Major G.B. PUDDICOMBE.

A: We went back to the tunnel and shouted that we were going to surrender, then they told us to come out. There were about twenty six of us. Then they made us come out in single file. We were searched by the Japanese at that time and afterwards we were put in a magazine.

Q: Will you show on the picture where you were put?
A: The Witness marks the left hand door of the two buildings in the background of the picture with a X.

ALL WITNESS Then we all waited there for about two to three hours with some Japanese guarding us outside and when we were there some enemy came to count and ask how many of us in the magazine. Afterwards a Japanese Officer came up and spoke to the soldiers who were guarding us, and then there were about five to six Japanese who surrounded the magazine. One of them told us to come out from the door one by one. As each man came out from the door they were bayoneted to death. As to my turn I was bayoneted from the stomach, across my stomach to my abdomen. Then I pretended to be dead and lay there still. Afterwards we were thrown down to a place next to a kitchen.

Q: Can you show that on the picture?
A: The Witness indicates with an arrow pointing to the building marked 'K' which he refers to as a Kitchen and the wall where he said he was thrown down after he had been bayoneted.

ALL WITNESS When I was thrown down there, I heard some of those wounded groaning and crying and one of them tried to shout out and ask who was still alive. Suddenly a Japanese came up and gave him a few bayonettings. The next morning, I heard someone calling me and that man was Mr. CHAN YAM KWONG. Then I understood that there were only two still survived, so we hid there for three days and three nights, until the fourth day we saw some Chinese Civilian going up the hill. Then we knew that the Japanese were already in Causeway Bay and the Chinese told us to change our clothes and escape.

No further questions.

The Court will adjourn to go to SAI WAN to see the cross-examination of the Witness AH TIM and also if there is any cross-examination, Mr. SAKAI can ask the two Witnesses at SAI WAN, if he wishes.

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Sheet No. 6^e

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Do you wish to ask the Witness any

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it on the other side of the first

than the Mission.

The Court then proceed to SAI WAN Hill, with Witnesses,
CHAN YAM KWONG and Martin TSO HIM CHI.

5TH WITNESS FOR PROSECUTION - CHAN YAM KWONG.

PROSECUTOR: Is this the place marked with a 0 that you
indicated by the photograph?

A: Yes.

Q: Will you point out now where the dug out was that you
were in when you surrendered?

A: The Witness shows the dug out.

Q: Will you now show the magazine you were put in after
you surrendered?

A: The first magazine on the top of the road, with the door
facing here. The one on the left, it is the one on a
slightly higher level.

Q: And you were tossed over that wall were you?

A: Yes tossed down.

COURT: Can you show me where the building that has been
referred to as the Cookhouse is?

A: The red brick building with the chimney, the low building.

COURT to DEFENCE COUNSEL: Do you wish to ask any questions?

DEFENCE COUNSEL: No questions.

6TH WITNESS FOR PROSECUTION - Mr. Martin TSO HIM CHI.

Q: Do you recognise this spot?

A: Yes.

Q: What place is this?

A: This is SAI WAN.

Q: What does that mean?

A: This is the place where we were captured and bayoneted.

Q: Where was your dug out?

A: Behind this building. Witness shows the dug out.

Q: Were were you placed when you were taken prisoner?

A: In the magazine over there, on the top, the top one.
The Witness points to the left of the two buildings.

Q: And where were you thrown?

A: We were thrown down the place between that building and

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6TH WITNESS FOR PROSECUTION - Mr. Martin TSO HIM CHI.

A: the wall.

Q: What is that red brick building?

A: That is the kitchen.

No further questions.

DEFENCE COUNSEL: Where is the tunnel?

A: The dug out is behind this wall. (Witness indicates).

COURT to DEFENCE COUNSEL: Have you any further questions to ask the Witnesses?

DEFENCE COUNSEL: There are some questions which I wish to ask to-morrow.

COURT: The Court is adjourned until 1000 hours, 22.4.47.

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Sheet No. 66

22nd April 1947.

NO. 5 WAR CRIMES COURT.

5TH DAY'S PROCEEDINGS of the trial of Major General TANAKA Ryosaburo of the Imperial Japanese Army.

1000 hours -- 22nd April 1947.

COURT: Will you recall the 6th witness for cross-examination by Mr. SAKAI.

PROSECUTOR: Call Mr. CHAN.

6th WITNESS FOR PROSECUTION -- CHAN YAN KWONG.

CROSS-EXAMINATION (Cont) -- Mr. SAKAI.

COURT: Will you remember that you are still bound by your original oath.

WITNESS: Yes sir.

Q. From what date were you stationed at the LYEMUN Fort?
A. December 18th to 19th 1941.

Q. When the Japanese arrived did they arrive on the first day or the second day when you were stationed there?
A. On the second day.

Q. When did you first meet MARTIN TSO HINCHI?
A. I met him in the pit among the corpses.

Q. You said that a hand grenade was thrown in where you were defending, where was this place?
A. It is usually called SAIWAN FORT, LYEMUN BARRACKS.

COURT: Mr. SAKAI, the witness has showed us on the ground the actual dug-out where he was when the grenade was thrown in -- yesterday afternoon. You cannot actually see the dug-out in the photograph because it is a bit off to the left and behind the building of the brick wall which you can see in the picture.

Q. Was anybody injured by this hand grenade?
A. Yes.

Q. How many?
A. Three.

Q. When the Japanese troops came in what place were you in?
A. I was in the dug out.

Q. Were you with other people or were you alone?
A. With other people.

Q. Were you with all the members of the Fort?
A. Yes.

Q. Were you put in the magazine with all the other members of the Fort?
A. Yes.

Q. You said that an officer came, what sort of dress did this officer wear?
A. I remember he wore boots and a long sword -- the most significant part was the sword because I had seldom seen this.

Q. According to your knowledge, how many officers came?
A. One.

Q.

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Sheet No. 67

22nd April 1947.

FOR PROSECUTION -- CHAN YAN KWONG.

ATION (Cont) -- Mr. SAKAI.

- Q. Of the Japanese troops that came to the Fort, how many were there in number?
- A. I remember there were about seven who surrounded the door -- there was an officer standing outside and a few standing around, so I gather that there were about fifteen to twenty.
- Q. Where was the place where you surrendered?
- A. (Can I have the photograph please) -- here (witness indicates position at extreme left of photograph (Exhibit "L")).
- Q. When you came out of here (dug-out), did all the members come out with you?
- A. The dug out was small -- there were 29 or more people and we rushed out in single file -- we could not come out in more than one or two at a time. There is a road here (indicating road opposite the dug out at the extreme right of the picture) -- naturally we all took this road.
- Q. Before you surrendered was it a fact that you heard rifle shots?
- A. Yes.
- Q. Were the shots near?
- A. Quite.
- Q. How many persons used bayonets -- how many soldiers?
- A. About seven.
- Q. All of the seven soldiers used their bayonets, is that correct?
- A. Do you mean Japanese soldiers?
- Q. Yes.
- PROSECUTOR: May I ask at which point Mr. SAKAI is referring -- was it when the massacre took place; I think the witness may be a little confused here.
- Q. You said that when you people came out of the magazine you were bayoneted, I mean about that time?
- A. About seven.
- Q. How were these seven soldiers posted in the narrow space near the door?
- A. They formed a semi-circle.
- Q. Was there a light in the magazine?
- A. No, but some Japanese were smoking cigarettes.
- Q. Was that night a moonlit night?
- A. No.
- Q. Was the outside dark or was it light?
- A. Dark.
- Q. That is to say, when you came out of the magazine you could not notice where the soldiers were stationed, is that correct?
- A. No, I noticed it.
- Q. When you were stabbed, in what turn -- that is after how many men were you stabbed?
- A. I was the eighth.
- Q. At the time you were bayoneted, were the persons who were bayoneted before you lying around.

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Sheet No. 68

22nd April 1947.

6th WITNESS FOR PROSECUTION -- CHAN YAN KWONG.

CROSS-EXAMINATION (Cont) -- Mr. SAKAI.

A. Yes.

Q. Then, if those persons were lying around they would be piled up in a pile and those who came out later could not pass?

A. No, because as you will see in the photograph, there is a slope, and when a person is bayoneted, he would naturally roll down by the force of his own body.

Q. After you were thrown down, how many persons were thrown on top of you?

A. One fell at the side of me and one was only half on top of me.

Q. In what turn were you thrown down?

A. I do not know.

Q. Is there a scar or scratch remaining on your stomach?

A. No.

Q. You said that you were there for three days after that -- why were you there for three days?

A. Because I thought the Japanese were still around -- there were some soldiers out out of grass and placed here and there -- at first I thought they were Japanese guards but afterwards when I discovered there were no sentries at all, I left on the 4th day.

Q. What was the distance from the Fort and from where these straw soldiers were stood up?

A. It was on the edge of the road.

Q. How many were stood up?

A. About three, which I saw.

Q. What was the distance from the edge of the road and you?

A. I should say about 45 to 50 yards.

Q. Do you know when the Japanese left the Fort?

A. No, I do not.

Q. After you were bayoneted and thrown down -- the next morning were there any Japanese troops?

A. I did not dare to move at that time so I do not know -- I had a corpse covering me at that time so I don't know.

Q. When did you first come to know that there were no more Japanese troops?

A. On the third day I found that nothing happened -- no shots or anything -- it was quite quiet, so I guessed.

Q. How many Japanese troops could speak English?

A. At least I heard one who could speak English.

Q. On the third day when you left the Fort, did you leave the Fort by yourself or did somebody accompany you?

A. I managed to go to the dug out and found a rifle there -- I loaded the rifle and waited for the night -- I heard somebody moving about so I whispered "is anybody alive", and then I found MARTIN TSO there.

Defense
rec That is all sir.

COURT: Do you wish to re-examine, Major PUDDICOMBE?

RE-EXAMINATION -- declined.

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Sheet No. 69

22nd April 1947.

WESS FOR PROSECUTION -- CHAN YAN KWONG.

WESS BY THE COURT:

- Q. What space of time was there between the hand-grenade being thrown into the dug-cut and the time when you decided to surrender and came out -- about how long after?
- A. About half an hour, sir.
- Q. And you told the Court that some of you went out to make a counter attack -- when you came out of the tunnel, what exactly happened?
- A. The officer said 'fix bayonets' -- and he himself had a Thompson machine-gun -- he was the first one to come out and we all followed -- then, after we stepped out a few yards, shots were fired from somewhere, so I dashed across the road and lay still there, and that is all I know.
- Q. After that did you go back to the dug-cut again?
- A. No, no.
- Q. So that, when did you surrender?
- A. When I heard a voice calling in broken English.
- Q. In this magazine where you were put was there any kind of lighting?
- A. No sir.
- Q. You said that a Japanese came around and counted you -- did he have any kind of light or torch with him?
- A. He took a packet of cigarettes from someone and smoked -- the magazine was small and very crowded -- and he was in front of us searching us.
- Q. He had no electric torch himself?
- A. Yes, sir, he was carrying it but he did not use it.
- Q. And when the Japanese soldiers came and stood around the door of the magazine did any of them or did the officer have any kind of torch with him?
- A. Yes, sir, the officer was standing right in front of the semi-circle -- he was standing straight in front and looking forward.
- Q. I do not think you quite understood the question -- I want to know whether that officer had any kind of an electric torch or lamp with him?
- A. He was behind the sentry, sir, so I could not see.
- Q. So, what you could see of the bayonetting you could only see from what light there was from the stars -- there was no artificial light of any kind, is that right?
- A. Yes, sir.
- Q. Was there any moon that night?
- A. No, sir.
- Q. Now, on the day that you left the Fort, how many bodies did you see lying there?
- A. I did not count but I remember I had to pass over about 19 to 20 corpses before I could come out.
- Q. Did you look to see whether anyone else was alive?
- A. Yes, sir.
- Q. Did you see anyone else alive?
- A. Yes sir.
- Q. Except your friend, MARTIN TSO, did you see anyone else alive?
- A. No sir.

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22nd April 1947.

6th WITNESS FOR PROSECUTION -- CHAN YAN KWONG.

COURT: Arising out of the questions the Court has asked, Mr. SAKAI, do you wish to ask any further questions?

DEFENCE: No questions.

COURT: Arising out of the questions the Court has asked, Major PUDDICOMBE, do you wish to ask any further questions?

PROSECUTOR: No questions.

PROSECUTOR: Sir, I would like the Court to ask just one question -- that is the length of time that elapsed between the surrender and the actual bayonetting.

COURT: I think the witness has mentioned that in the Examination-in-Chief -- he said three hours later an officer arrived.

COURT: Can you tell the Court approximately the width between the magazine where you were kept and the wall over which you were thrown eventually?

WITNESS: About 12 feet -- you mean the road between the wall and the magazine? Slightly more than 12 feet, sir.

COURT: Any other questions, Mr. SAKAI?

DEFENCE: No sir.

COURT: Any other questions, Major PUDDICOMBE?

PROSECUTOR: No questions sir.

COURT: The witness can stand down.

PROSECUTOR: ^{ALL} Call Mr. TSO.

7th WITNESS FOR PROSECUTION -- MARTIN TSO HINCHI.

CROSS-EXAMINATION (Cont) -- Mr. SAKAI.

COURT: Will you remember that you are still bound by your original oath.

Q. From what date were you posted at the 5th Anti-Aircraft Post?

A. I was mobilised on the 8th of December 1941.

COURT: I do not think that that was an answer to Counsel's question -- he wants to know on what date were you posted at SAIWAN.

WITNESS: We were mobilised, sir, and we shifted around with other sections at STANLEY -- we were two days at SAIWAN and two days in STANLEY.

Q. What was the total strength of the 5th Anti-Aircraft Post?

A. We had two sections and each section contained about 40 men.

Q. At the place where we went to inspect yesterday, how many men were posted there?

A. There were about 40 to 50 men.

Q. On the night of the 18th, from what time until what time did you receive artillery fire?

A. We received artillery fire since the afternoon.

Q. Until what time at night?

A. Until the time when we heard some shots from the enemy.

Q. Then at what time did you hear rifle shots from the enemy?

A. About 10 o'clock at night.

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Sheet No. 71

22nd April 1947.

MESS FOR PROSECUTION -- MARTIN TSO HINCHI.

EXAMINATION (Cont) -- Mr. SAKAI.

- Q. The place where we went yesterday -- were any Indian soldiers posted there?
- A. There were about two Indians who belonged to the volunteers.
- Q. Was the night of the 18th a moonlit night or was there no moon?
- A. There was no moon but because there were some ships burning in the harbour we could see some light in SAI WAN.
- Q. At the Fort, were blackout precautions taken so that lights could not be seen outside?
- A. There were lights in the dug-out area but the light could not be seen from the outside.
- Q. At 10 o'clock you said that you were in a tunnel, were all the men there in the same tunnel with you?
- A. Yes, all the men were in the same tunnel with me except two guards who were outside.
- Q. How many were there?
- A. There were about 40 men with me.
- Q. How many hand-grenades were thrown in?
- A. One.
- Q. Where did this hand-grenade drop -- what place did the hand-grenade hit?
- A. It hit about 30 feet from the door.
- Q. You said that some were wounded -- among those who were wounded were they outside of the tunnel?
- A. They were inside the tunnel.
- Q. Then you mean to say the grenade hit outside of the tunnel or inside of the tunnel?
- A. The grenade exploded about 20 feet away, inside the tunnel -- about 20 feet away from the door -- there were some females sitting there.
- Q. What was the distance from where you were to the place where the grenade exploded?
- A. About ten yards.
- Q. Between that distance were there any obstacles in the way?
- A. There was a wall, this obstructed the explosives of the hand grenade. It was something like this -- here is the door, and here is the tunnel, and I was here, and the hand-grenade exploded here (witness demonstrates approximately the positions against the edge of the witness box).
- Q. Did you all surrender at the same time or did you surrender separately?
- A. After the explosion of the hand grenade, Sgt BOSANQUET said "bring the men out" and we surrendered all together.
- Q. Did the commander of the Fort surrender together with you?
- A. No, the Commander of the Fort, Lieut GORMAN, went out first when he heard the Japanese ask us to surrender.
- Q. Then, when he went out, you mean to say that he was not there at the time of the surrender?
- A. No, when he heard the explosion of the grenade he went out to discuss with the Japanese, but afterwards we did not hear anything from the outside, so Sgt BOSANQUET led the men out.
- Q. Where was the place where you actually surrendered?
- A. We surrendered in the tunnel, and the enemy asked us to come out --

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Sheet No. ~~77~~ 72

22nd April 1947.

SS FOR PROSECUTION -- MARTIN TSO HINGHI.

INATION (Cont) -- Mr. SAKAI.

the first man ordered the rest to follow him up the hill to the magazine -- we were searched outside the door of the magazine where we were put.

Q. Was there a light inside of the magazine?

A. There was no light there. But we could see things quite clearly inside the magazine because of the light from the burning ships.

Q. How many officers came?

A. Do you mean Japanese officers?

Q. Japanese officers?

A. One.

Q. The person who could speak English, was he this officer or was he another soldier?

A. Another soldier.

Q. How many persons were put in the magazine?

A. About 26 -- two of them were coolies, not soldiers.

Q. You said that 40 to 50 persons were in the tunnel and you say now that 26 were put in the magazine, what happened to the remainder?

A. At first when Sgt BOSANQUET led the men out, we saw the Japanese all around us and some of us went back to the magazine and the rest went on with Sgt BOSANQUET.

Q. How many soldiers used their bayonets?

A. There were five to six soldiers surrounding the door of the magazine but when it came to my turn there was only one soldier who bayonnetted me; one from the right hand side.

Q. Where were you stabbed?

A. From the stomach to the chest.

ALL

COURT: Witness indicates a transverse line running up from the right side of the stomach to the left side of his chest.

Q. Is there a scar or something remaining at present?

A. Yes, there are three scars remaining at present.

DEFENCE: Will you show them to the Court please.

ALL The witness partly undresses etc

COURT: The Court notice three scars on the witness' body -- one on the right hand side of the breastbone just on the line of the lower ribs -- one on the left hand side of the breastbone and slightly higher and the third just to the left of the left nipple.

Q. Did you walk out standing up?

A. I was standing up with my hands up.

Q. Can you remember in what position the soldier was when he stabbed you, that is, how he stabbed you?

A. The soldier standing on the right hand side of me stabbed me.

Q. How far away was he from you?

A. About three feet away.

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Sheet No. 73

22nd April 1947.

ESS FOR PROSECUTION -- MARTIN TSO HINCHI.

AMINATION (Cont) -- Mr. SAKAI.

Q. The position where he stood was it at the back of you or in front of you?

A. In front of me.

COURT: Mr. CHACKO will you come and impersonate the Japanese soldier and will you (witness) demonstrate to the Court where you were and where the Japanese soldier who bayoneted you was.

WITNESS: (Standing in front of the witness box) -- here is the door of the magazine (indicates space in front of him and places Mr. CHACKO in the position occupied by the Japanese soldier) -- and when I walked out he stabbed me from this side (right) and I fell down.

At that time I was wearing a sweater and when he stabbed me through these sweaters he must have thought that he had stabbed my body.

Q. The soldier who stabbed you was he taller than you or shorter than you?

A. Shorter than me.

Q. How did he use his rifle?

A. This way up (witness swings his arms from right to left and transversely indicating the way in which he was bayoneted).

Q. In what order were you stabbed -- after how many men were you stabbed?

A. About fifteen.

Q. In what order were you thrown down -- after how many men were you thrown down?

A. They threw us down after every five to six men were bayoneted -- after stabbing five to six men, they then threw them down.

Q. After you were thrown down why did you stay there for three days?

A. Because I thought the enemy was still there.

Q. In front of the Fort or the position were there any straw soldiers, did you notice any straw soldiers?

A. I heard Mr. CHAN say that there were straw soldiers but I did not see anything -- I did see something standing there without moving so Mr. CHAN said that they were straw soldiers.

Q. When did you first come to know that the Japanese left the Fort?

A. On the 4th day we saw some Chinese in civilian clothes coming up the Fort and they told me that the Japanese were already at Causeway Bay.

Q. During the three days that you were there were you always in the same place where you were thrown down?

A. I was always in the same place but I came out to get water and to pick biscuits from the ground. I moved a corpse to cover me when I got back to the position.

Q. When did you go to get the water and biscuits?

A. I got the biscuits from the floor in the tunnel.

Q. When, what time?

A. I do not know the time -- my watch and things had already been searched and removed by the Japanese so I did not know the time at all.

Q. I do not mean the exact time at all -- was it the day after you were stabbed or the next day after that?

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Sheet No. 74

22nd April 1947.

WITNESS FOR PROSECUTION -- MARTIN TSO HINGCHI.

EXAMINATION (Cont) -- Mr. SAKAI.

A. I stayed in that position during the day time and I always came out at night.

Q. At that time when you came out were there any Japanese?

A. There were no Japanese in the Fort but I heard some Japanese down the road.

No further questions.

RE-EXAMINATION -- declined.

QUESTIONS BY THE COURT.

Q. Do you remember -- the Japanese who bayonnetted you, did he stab you once or more than once?

A. He stabbed me once. I think that they were very tired because there were some fifteen men before me so only one chap stabbed me.

Q. And when he stabbed you did you lose consciousness or did you faint?

A. No sir.

Q. Can you make this more clear to the Court -- you were stabbed once -- how is it that there are three quite distinct stab wounds on your body?

A. Because the bayonet slipped up from here and because I was wearing a sweater. You see the scar was in one thick line before.

COURT: Any other questions, Mr. SAKAI?
DEFENCE: No questions.

COURT: Any other questions, Major PUDDICOMBE?
PROSECUTOR: No questions.

COURT: The witness can stand down.

PROSECUTOR: May this witness be dismissed altogether, sir, he is employed at Canton and must be returning there this week.

COURT: Yes, he may be dismissed -- I take it the other witness will be available *if necessary? see*

PROSECUTOR: Yes, sir -- he lives in Kowloon.

COURT: That's alright then.

PROSECUTOR: I now propose to read affidavits for the rest of the morning and we will start with Sgt BOSANQUET'S statement, which is Exhibit A1.

The Prosecuting Officer reads Exhibit A1.

COURT: Does that finish your evidence on this particular incident?

PROSECUTOR: Yes, sir -- that completes this incident.

The Court is adjourned for five minutes *at 1130 hrs RCC*

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ADJOURNMENT

the Court adjourned until 1415 hours.

RESUMPTION

At 1420 hours, the Court re-assembled pursuant to adjournment, the same members as at adjournment being present.

Prosecutor: I wish now to read the affidavits concerning the events in the Lyemun and Saiwan area.

The Prosecutor reads the affidavits of Martin Tso Him-chi (Exhibit "F") and A.K. Pryce (Exhibit "G"), after which he calls as witness Chan Yan-kwong.

P.W. No. 3 - CHAN YAN-KWONG

Witness is sworn.

EXAMINATION BY PROSECUTOR:

Q. Your name?

A. Chan Yan-kwong.

Q. Age?

A. 26.

Q. Occupation?

A. Merchant.

Q. Present address?

A. 76 Takuling Road, first floor, Kowloon City.

Q. Where were you in December, 1941?

A. I was a private attached to the 5th AA, Lyemun Barracks.

Q. What unit was that?

A. 5th Anti-aircraft.

Q. Was that regular army?

A. No, Volunteer.

Q. What date were you in this position?

A. I was mobilised on December 6 and was sent to Saiwan Fort on about the 12th.

Q. Were you there when the Japanese invaded the island of Hongkong?

A. Yes.

President: What year are you referring to?

Witness: I am referring to 1941.

Prosecutor: Will you tell us what happened?

Witness: I remember I was sent there about December 12, 1941. The shelling was quite bad during that few days so we divided into two groups, one to go to what we called a sister gun on the other side for a rest. I think it was about the 17th or 18th when suddenly a hand grenade was thrown into the dug-out and a few Indians were hurt.

Q. Are you able to show us this position on a map?

A. I think the place is too small but I can show you the whole Lyemun area. The spot is too small; it is on top of a hill.

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EXAMINATION OF P.W. NO. 3 - CHAN YAN-KWONG (Contd)

At the request of the Prosecutor, Witness goes to the map on the blackboard and indicates the Lyemun area, Saiwan Fort, the road, which is big enough only for a lorry, to go up there, the gun position, the dug-out, few magazines and the pill-box. (Ref:6397).

President: Does the Defence agree to that?
Defence Counsel: Yes.

Q. How many were you in this pill box at the time?
A. About 29.

Q. What unit did they belong to?
A. 5th AA.

Q. Remember any of their names?
A. I remember Martin Tso Him-chi, Tsang Kai-pan and a school-mate of mine in the Diocesan Boys' School, whose name I have forgotten.

Q. Martin Tso Him-chi is one of them?
A. Yes, he is alive.

Q. Then what happened?
A. So the OC asked us to rush out as a kind of counter-attack and I was one of the few who rushed out of the dug-out. But there were a few shots and the one who rushed out first got shot and I got a scratch.

Q. Who is the OC?
A. A Lieutenant. I forgot his name because I was sent there on the 12th.

Q. When you rushed out, what did you see?
A. I could see practically nothing except some roads and houses like that but I heard voices.

Q. What happened then?
A. After about three or five minutes, some voices continued shouting "Surrender, save you" in a kind of broken English and more than ten times they said that.

Q. At this time were you inside the pill-box or outside?
A. Outside already.

Q. Then what happened?
A. After it had been quiet for a few minutes or a few seconds-- it was difficult to judge the time then--I continued to hear the voices and then I faintly saw someone walking up. Thinking someone was surrendering I put up my hands and walked to the spot where there was a crowd. From there the Japanese took us to a magazine above the road.

Q. How many Japanese were there at this time?
A. I should say about 10 to 12.

Q. How far was this magazine they took you to from the place where you had surrendered?
A. From the path to the magazine about 30 to 40 yards.

Q. Then what happened?
A. We were kept inside the pill-box.

Q. How many were there of you inside?
A. The Japanese counted us and found the number was 29.

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EXAMINATION OF P.W. NO. 3 - CHAN YAN-KWONG (Contd)

Q. Then what happened?

A. They took a wrist watch, belt and fountain pen from me then then started to smoke cigarettes while some looked after us with fixed bayonet.

Q. How many Japanese were doing this?

A. The looting was done by about four or five Japanese.

Q. Then what happened?

A. Then another Japanese came whereupon the looting stopped. He took some notes and then just left us for three or four hours, and after that a Japanese came and I presumed he was an officer as he had a sword. He said something in Japanese to another Japanese, which we didn't know at first but afterwards he interpreted it into English, "All right, you men will be free. You can go." He then asked us to go out one by one. Then suddenly the Japanese formed a semi-circle and blocked the door with fixed bayonets, and when the first one came out a bayonet was stuck on him. I think I was No. 8 to go out, and when I came out a Japanese with a rifle and fixed bayonet struck at me from my left. It caught hold of my cardigan and slashed through to my right wrist which squirted a lot of blood, and at once I lay down.

Q. Did you see this first man bayoneted yourself?

A. Yes. I could see because it was on the top of the road and there was a ship burning in Shaukiwan and there were houses on fire beneath so it was quite clear although there was no moonlight. I remember everyone wanted to die first as they did not like to wait for their turn.

Q. Besides that first man who went out, did anything happen to the men who went out before you?

A. Yes, he fell down in front of me.

Q. You say you were the 8th man, what happened to the other six?

A. What six?

Q. One man went out and he was bayoneted. You said you were the 8th person and somebody bayoneted you. What happened to the second, third, fourth, fifth, sixth and seventh?

A. There was a lot of men lying on the path. I could hear the shouts and cries and moaning so I could not be mistaken.

Q. What happened when you fell down?

A. I remember one or two fell on top of me and then some Japanese came up and hammered us with a rifle butt, and after hammering us threw us down into what I used to call a pit in the kitchen.

Q. What happened to you then?

A. I was thrown down into the pit also but I was in the centre. The Japanese had earlier taken our gasmasks when they looted us, and with these they hit us on the head so I rolled and rolled until I got to the edge of the kitchen wall.

Q. Was there anybody near you when you stopped against that wall?

A. I could see it was full of bodies lying round.

Q. How long did you remain in that position?

A. For three days and three nights.

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OF P.W. NO. 3 - CHAN YAN-KWONG (Contd)

Q. Then what happened?

A. Then after four days some looters came up so I took off my uniform and crawled out; and before I crawled out I looked round and then suddenly I saw Martin Tso Him-chi. He said he was wounded and asked me to bandage him and he bandaged me after which we crawled out.

Q. What happened then?

A. I hid in Shaukiwan.

Q. At the time when you first saw the Japanese were you and your party dressed in uniform?

A. Yes, we were in uniform, but there were two cooks not in uniform. They were in civilian clothes.

Q. The people who were in uniform, what sort of uniform?

A. We had khaki trousers and khaki shirt and a cardigan and we had tunics with brass buttons.

Q. What rank was this OC of your detachment?

A. He was a Lieutenant.

Q. Was he wearing his badge of rank at the time the Japanese came?

A. I am not sure.

Q. Do you recognise this photograph?

A. Yes.

Q. What is it?

A. This is Saiwan Fort which I have referred to and this man here is myself.

Q. Will you explain to the Court the events which took place, as far as you can, in reference to this photograph?

A. Yes.

Q. Where was the position you were in before you surrendered?

A. Here is the dug-out in this side and the wall which you cannot see in this photograph.

Q. Where was the place you were taken after the surrender?

A. We surrendered round here (indicated) and here is the path, and we were taken into this pill-box (indicated).

Q. Where were the bodies thrown?

A. Thrown down here (indicated). Here is the kitchen and there is a space between this wall and the kitchen. We came out here and the semi-circle was formed here.

Q. If I asked you, could you show us the place on the ground?

A. Yes.

Advisory

Officer: May the Accused be allowed to see that photograph before it is sent in as an exhibit?

President: Yes.

The Accused is shown the photograph and the positions explained to him by the Interpreter.

AA. The photograph and the location of the incident referred to, produced by Prosecution Witness No. 3, Chan Yan-kwong, is taken into Court, signed by the President and marked Exhibit "AA".

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OF P.W. NO. 3 - CHAN YAN-KWONG (Contd)

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President: Have you any photostat of this?

Prosecutor: Not at the moment, Sir. I will have them in as soon as they are ready.

Prosecutor (to Witness): Do you have any marks as a result of that bayonetting on your body?

A. Yes. (The Court observes a scar on the right wrist of Witness).

Q. Any other marks?

A. A slight scratch on the left wrist.

CROSS-EXAMINATION BY DEFENCE COUNSEL:

Q. At the time when you surrendered at that spot, where was the Japanese unit?

A. I don't know where the unit was but I knew there were a few Japanese.

Q. At the time when you surrendered, did you have your gasmask on?

A. Yes, but when the Japanese caught hold of us they ripped everything out.

Q. You didn't have it on your face, did you?

A. No, we had it on the alert position in front of our chest but not on the face.

RE-EXAMINATION DECLINED.

QUESTIONS BY THE COURT:

Q. Did you actually see any of the other men bayonnetted?

A. Yes.

Q. Can you remember how many men you saw bayonnetted?

A. The few who went before me. I now remember his name-- Ting Ping-kwan--the last one to be bayonnetted. I quite remember him when the Japanese bayonnetted him. He tried to avoid by putting up his legs and arms and made quite a lot of noise. I now remember his name.

Q. Was he bayonnetted after you?

A. He was the last one.

Q. Did you see any of these men actually die as a result of the bayonetting?

A. Yes.

Q. How many?

A. I cannot say how many because some died that night, some in the early morning and some in the afternoon.

Q. Do you know the names of any of the men who died?

A. Ting Ping-kwan and Tsang Kai-pan.

President: Any questions arising?

Prosecutor: No.

Defence Counsel: No.

President: Witness may stand down.

Prosecutor: I would now like to read the affidavits pertaining to the incident at Stanley Gap. You heard the witness this morning,

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BY THE COURT OF P.W.NO.22 - MISS LOIS FEARON (Recalled)

President: Has Defence Counsel any questions?
Defence Counsel: No, sir.

The Court notes that the Salesian Mission is marked on the map, Exhibit "BB" A5 in red ink, reference 62 97.

The Court proceeds up to Saiwan Fort.

On road leading up, Court notes view looking west over the Salesian Mission. There is a water catchment running up the eastern slope of Mount Parker, and also the football field which is on the southern side of the Mission.

P.W.NO. 3 - CHAN YAN-KWONG
(Recalled by the Court)

QUESTIONS BY THE COURT. (Witness is reminded of his former oath).

Q. What is this place?

A. It is called Saiwan Fort.

Q. Were you stationed here with the 5th A.A. Battery, HKVDC?

A. Yes.

Q. Is this the spot you referred to in your evidence?

A. Yes.

Q. Where were you before you surrendered to the Japanese?
A. Lying along the path there.

Q. Where were you taken after you surrendered?

A. Taken into the first magazine there, the one coloured with green camouflage.

Q. Where were the men bayoneted?

A. When they came out of the first door, the top door.

Q. Where were the bodies thrown?

A. Next to the kitchen. This is the kitchen here (Witness points to building below the magazine indicated).

Q. Can you show us the spot where you were thrown?

A. Down there where they were throwing stones and gas-masks, so I crawled into the kitchen.

President: Does Defence Counsel wish to ask any questions?

Defence Counsel: No, sir.

The Court notes that Saiwan Fort, where they stand, is marked on the map, Exhibit "BB," A4 in red ink, reference 63 97.

The Court proceeds to St Stephen's College, Stanley.

P.W. NO. 14 - S. D. BEGG
(Recalled by the Court)

The witness is reminded that he is still ^{bound} by his original affirmation.

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